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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,126	01/28/2005	Egbert Frenken	(913/42188) Case 346-PCT-	8860
279 7590 01/25/2007 Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd. 105 West Adams Street Suite 3600 Chicago, IL 60603			EXAMINER JONES, DAVID B	
			ART UNIT 3725	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/511,126

Applicant(s)

FRENKEN, EGBERT

Examiner

David B. Jones

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/16/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

DETAILED ACTION

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation in correcting any errors or which applicant may become aware in the specification.
2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims contain many limitations that lack antecedent basis and render the claims indefinite. In claim 1, "the working-head side of the electric motor" lacks antecedent basis. Further in the claim 1, the recited elements of the device have not been structurally correlated with each other so as to make for a comprehensive working device. Each element of the combination should be positively set forth and structurally correlated to each other. In claim 2, "the center of gravity" lacks antecedent basis. In claim 3, "a width of an index finger/thumb" lacks antecedent basis. Further such a limitation is indefinite in that it is unclear what makes for a width of an index finger/thumb. In claim 4, "the end opposite from the working head" lacks antecedent basis. Further in claim 4, it is unclear what makes for a "one-sided widening". In claim 5, the "storage battery" lacks positive recitation in the combination. In claim 6, "the side on which the actuating switch is formed" lacks antecedent basis. In claim 7, the "pump plunger" lacks structural location and correlation. In claim 8 the bypass valve has not been structurally and operationally defined in order to make for an operative device. The "hydraulic tank" of claim 9 has not been structurally correlated

with the combination. In claim 11 the working head fails to define its purpose and structural correlation with the combination.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 201 13 238. DE '238 teaches the claimed invention including a working head generally at 3, a motor /gear mechanism/pump/tank generally at 10/2b, a gripping region 10/11 (see Fig. 5), and actuating switches at 14 and 16. Regarding claim 4, the member 10/12 is larger than the area at 11.

4. Claims 1, 3, and 7-11 and are rejected under 35 U.S.C. 102(b) as being anticipated by Moffatt et al. (See Fig. 1 with operators hand 142 around the tool). Moffatt et al. teaches the claimed invention including a working head generally at 22, a motor /gear mechanism/pump/tank generally at 48/54/26/42, a gripping region 138 (see Fig. 1), and actuating switches at 134.

5. Claims 2 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

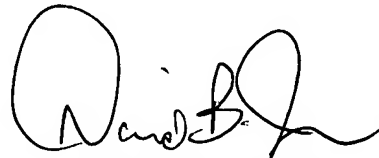
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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 872-9306.

wahp

A handwritten signature in black ink, appearing to read "David B. Jones", with a large, stylized initial "D" and a long, sweeping horizontal stroke at the end.

DAVID B. JONES  
PRIMARY PATENT EXAMINER  
ART UNIT 3725